8-12-08

COFC

PATENT
104610-55275

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Patent No.: 7,385,061 B2 Issued June 10, 2008			Art Unit	: 1626
Serial No.	:	10/557,539	Examiner	: Laura L. Stockton
Filed	:	November 21, 2005		
Title	:	FURAZANOBENZIMIDAZOLES		

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR PATENT OFFICE MISTAKE (37 C.F.R. 1.322)

Sir:

A certificate of correction under 35 U.S.C. 254 is requested for the above patent. It is noted that error appears in this patent of a clerical nature, as more fully described below. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination.

Attached hereto, in duplicate, is Form PTO/SB/44, with at least one copy being suitable for printing. Also enclosed is the listing of claims portion of the Substitute Amendment under 37 CFR 1.312 filed on January 23, 2008 and April 10, 2008 setting forth claim 39 in the application which matured into claim 17 of the subject patent. The error to be corrected appears on line 8, claim 17 of the subject patent. Claim 17 of the subject patent is claim 39 of the application. The error on line 8 of claim 17 of the subject patent is with respect to the portion of the name of the compound which reads "$CH_2CH_2(CO)OH_3$". This portion of the name should be --$CH_2CH_2(CO)OH$-- in accordance with claim 39 of this application.

The changes requested herein occurred as a result of printing the Letters Patent and the Certificate should be issued without expense to applicant under Rule 322 of the Rules of Practice. Accordingly, Applicant requests issuance of the Certificate of Correction.

104610-55275)

If any additional fees are due in respect to this matter, please charge them to Deposit Account No. 03-3839.

Please send the Certificate of Correction to:

William H. Epstein
Gibbons P.C.
One Gateway Center
Newark, NJ 07102-5310

Respectfully submitted,

William H. Epstein
Registration No. 20,008
Attorney for Applicant

Gibbons P.C.
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PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,385,061

APPLICATION NO. : 10/557,539

ISSUE DATE : June 10, 2008

INVENTOR(S) : Martin Eberle, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 76, line 25 (claim 17, line 8), please change "$CH_2CH_2(CO)OH_3$" to read --$CH_2CH_2(CO)OH$--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 14 2008

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT NO. : 7,385,061

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MAILING ADDRESS OF SENDER (Please do not use customer number below):

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT
104610-55275 (22009)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of: Eberle et al.			: Art Unit	: 1626
Serial No.	:	10/557,539	: Examiner	: L. Stockton
Filed	:	November 21, 2005		
Title	:	Furazanobenzimidazoles		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

***SUBSTITUTE* AMENDMENT under 37 C.F.R. § 1.312**

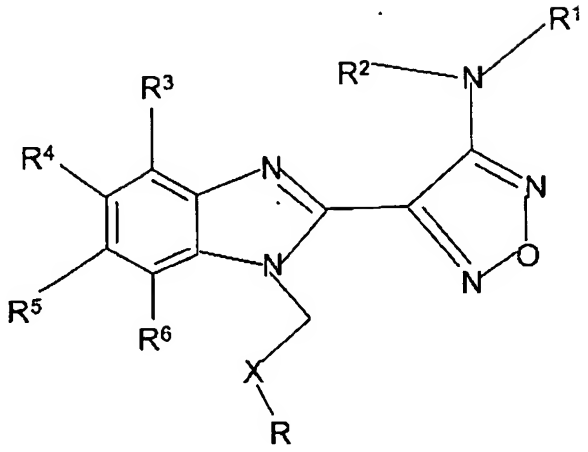
Dear Sir:

This Amendment is being filed in lieu of the Amendment filed April 10, 2008 in response to the Notice of Allowability mailed February 14, 2008. In accordance with 37 C.F.R. §1.312, please amend the above-identified application as follows. The listing of the Claims begins on page 2 and the Remarks begin on page 15:

LISTING OF CLAIMS:

Claims 1-22 Canceled.

23. (Previously Amended) A compound of the formula



(I)

wherein

R represents phenyl, naphthyl, thienyl, pyridinyl or pyridazinyl ring,

said phenyl ring being optionally substituted by one or two substituents independently selected from alkyl, halo-lower alkyl, hydroxy-lower alkyl, lower alkoxy-lower alkyl, acyloxy-lower alkyl, phenyl, hydroxy, lower alkoxy, hydroxy-lower alkoxy, lower alkoxy lower alkoxy, phenyl-lower alkoxy, lower alkylcarbonyloxy, amino, monoalkylamino, dialkylamino, lower alkoxycarbonylamino, lower alkycarbonylamino, substituted amino wherein the two substituents on nitrogen form together with the nitrogen a heterocyclcyl, lower alkylcarbonyl, formyl, carboxy, lower alkoxycarbonyl, cyano, halogen, and nitro; and wherein two adjacent substituents are methylenedioxy;

and said pyridinyl or pyridazinyl being optionally substituted in one or two positions with lower alkoxy, amino, or halogen;

X is –O- or >C=Y, wherein Y is oxygen;

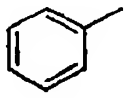
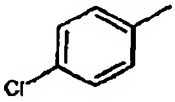
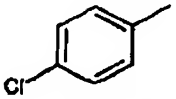
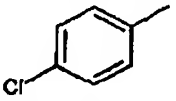
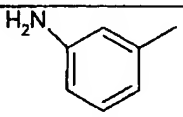
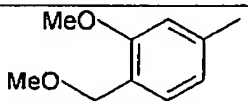
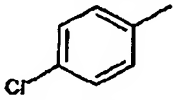
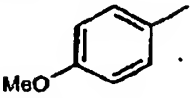
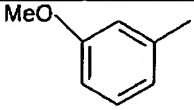
R^1 represents hydrogen, hydroxy-lower alkyl, cyano-lower alkyl~~,~~ **or** lower alkyl-carbonyl; and

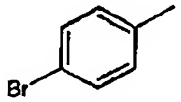
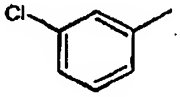
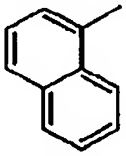
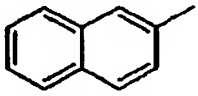
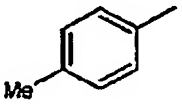
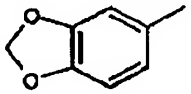
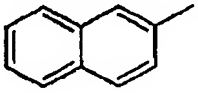
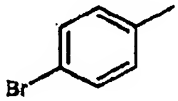
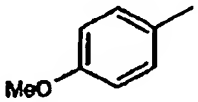
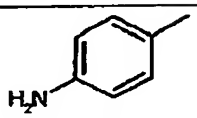
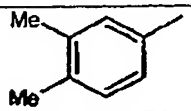
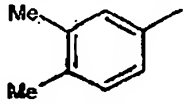
R^2, R^3, R^4, R^5 and R^6 is hydrogen;

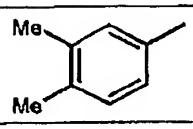
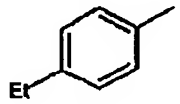
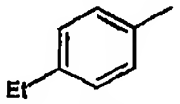
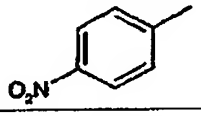
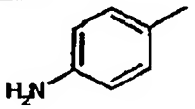
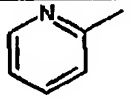
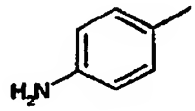
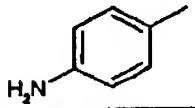
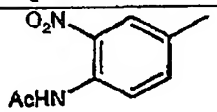
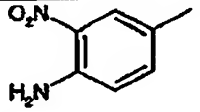
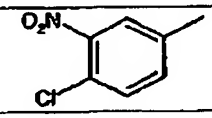
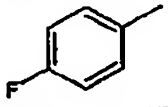
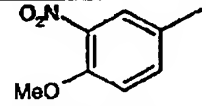
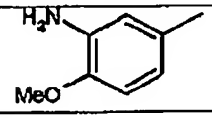
or a pharmaceutically acceptable salt thereof.

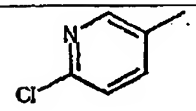
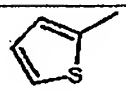
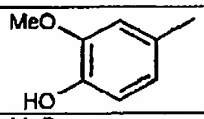
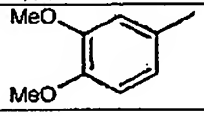
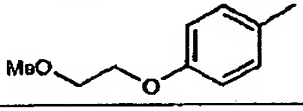
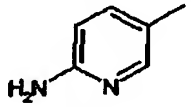
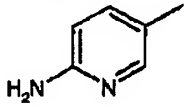
24. (Previously Amended) The compound of claim 23 where X is >C=Y, wherein Y is oxygen, or it's pharmaceutically acceptable salts.

25. (Previously Amended) The compound of claim 24, which compounds are selected from the group consisting of the compounds 1, 5, 6, 11, 14, 15, 16, 19, 23, 29, 35, 41, 42, 44, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 64, 65, 66, 67, 68, 69, 70, 72, 74, 76, 77, 78 and 79, which compounds are set forth according to the following table:

Compound	R	R^1
1		H
5		$(CO)CH_3$
6		CH_2CH_2CN
11		$CH_2CH_2CH_2OH$
14		H
15		H
16		H
19		H
23		H

29		H
35		H
41		H
42		H
44		H
45		H
46		CH_2CH_2CN
47		CH_2CH_2CN
48		CH_2CH_2CN
50		H
52		$CH_2CH_2CH_2OH$
53		H

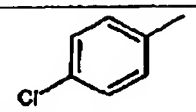
54		CH_2CH_2CN
55		H
56		CH_2CH_2CN
57		CH_2CH_2CN
58		CH_2CH_2CN
59		H
61		CH2CH2CN
62		H
64		H
65		H
66		H
67		H
68		H
69		CH_2CH_2CN

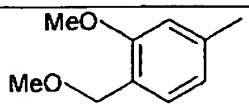
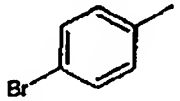
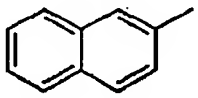
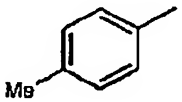
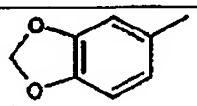
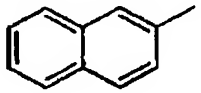
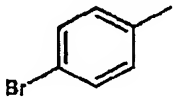
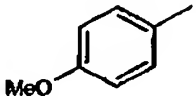
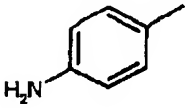
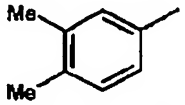
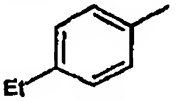
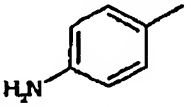
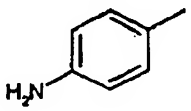
70		H
72		H
74		H
76		H
77		H
78		H
79		CH_2CH_2CN

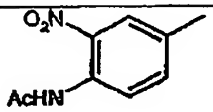
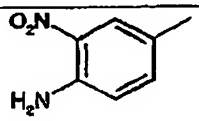
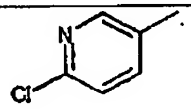
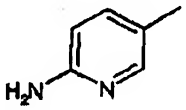
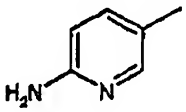
or their pharmaceutically acceptable salts.

26. (Previously Submitted) The compound of claim 24 wherein R^1 represents hydrogen or cyano-lower alkyl..

27. (Previously Amended) The compound of claim 26 wherein the compounds are selected from the group consisting of the compounds 6, 15, 29, 42, 44, 45, 46, 47, 48, 50, 54, 56, 58, 61, 64, 65, 70, 78 and 79, which compounds are set forth according to the following table:

Compound	R	R^1
6		CH_2CH_2CN

15		H
29		H
42		H
44		H
45		H
46		CH_2CH_2CN
47		CH_2CH_2CN
48		CH_2CH_2CN
50		H
54		CH_2CH_2CN
56		CH_2CH_2CN
58		CH_2CH_2CN
61		CH2CH2CN

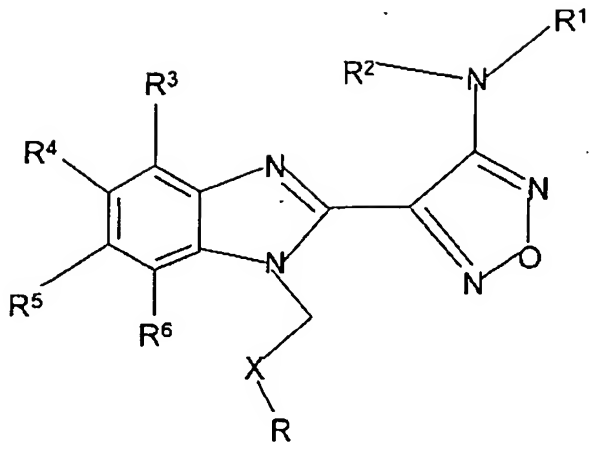
64		H
65		H
70		H
78		H
79		CH_2CH_2CN

or their pharmaceutically acceptable salts.

28. (Previously Submitted) The compound of claim 24, wherein R is optionally substituted phenyl.

29. (Previously Submitted) The compound of Claim 28 wherein said compound is 4-[1-(4-aminophenacyl)-1H-benzimidazol-2-yl]-furazan-3-yl-N-(2-cyanoethyl)-amine or pharmaceutically acceptable salts thereof.

30. (Previously Submitted) The compound of claim 26 where the compound has the formula



(I)

wherein

R is pyridinyl optionally substituted in one or two positions by lower alkoxy, amino, or halogen;

X is -C=Y; Y is oxygen ;

R^1 is cyano-lower alkyl or hydrogen and;

R^2, R^3, R^4, R^5, R^6 is hydrogen;

or a pharmaceutically acceptable salt thereof.

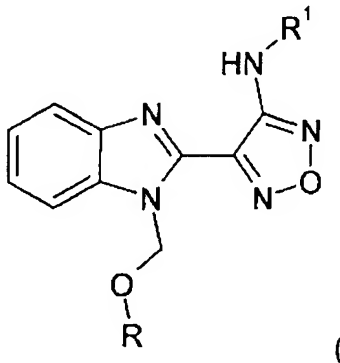
31. (Previously Submitted) The compound of Claim 30 wherein R^1 is cyano-lower alkyl.

32. (Currently Amended) The compound of Claim 31 wherein said compound is 4-[1-(6-amino-3-pyridylcarbonyl**methyl**)-1H-benzimidazol-2-yl]-furazan-~~2~~**3**-yl]-N-(2-cyanoethyl)-amine or its pharmaceutical acceptable salts.

33. (Previously Submitted) The compound of Claim 30 wherein R^1 is hydrogen.

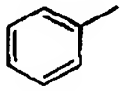
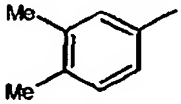
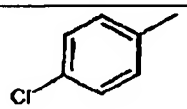
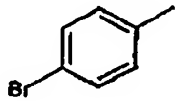
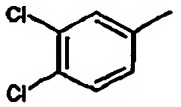
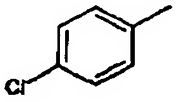
34. (Currently Amended) The compound of Claim 33 wherein said compound is 4-[1-(6-amino-3-pyridylcarbonyl**methyl**)-1H-benzimidazol-2-yl]-furazan-3-ylamine; or pharmaceutical acceptable salts thereof.

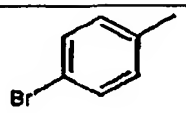
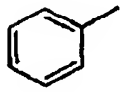
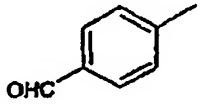
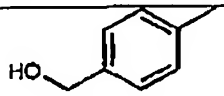
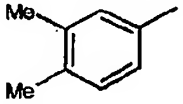
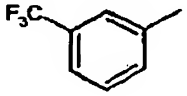
35. (Previously Amended) The compound of claim 28 where said compound has the formula



(IB)

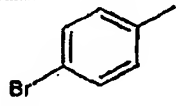
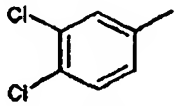
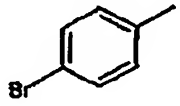
which compound is selected from the group consisting of the compounds 7, 10, 88, 89, 92, 93, 94, 95, 96, 97, 101 and 103, which compounds are set forth according to the following table:

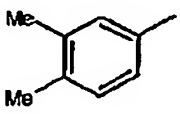
Compound	R	R^1
7		H
10		CH_2CH_2CN
88		H
89		H
92		H
93		CH_2CH_2CN

94		CH_2CH_2CN
95		CH_2CH_2CN
96		H
97		H
101		H
103		H

or pharmaceutically acceptable salts thereof.

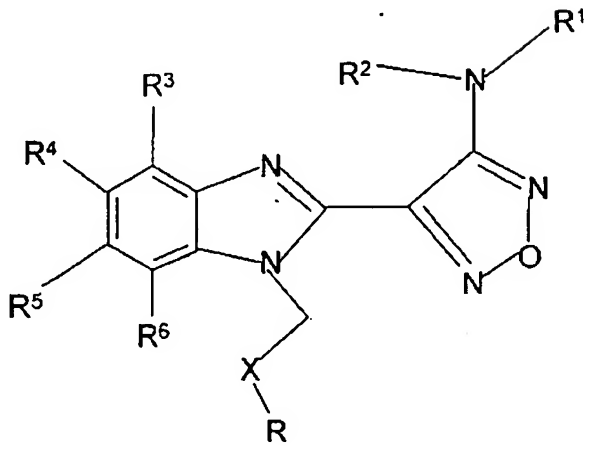
36. (Previously Amended) The compound of claim 35, which compound is selected from the group consisting of the compounds 89, 92, 94 and 101, which compound are set forth according to the following table:

Compound	R	R^1
89		H
92		H
94		CH_2CH_2CN

101		H

or their pharmaceutically acceptable salts.

37. (Previously Amended) A compound of the formula (I)



wherein

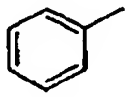
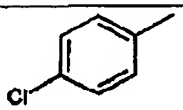
R represents phenyl or pyridinyl wherein phenyl is optionally substituted by one or two substituents independently selected from alkyl, halo-lower alkyl, hydroxy-lower alkyl, lower alkoxy-lower alkyl, acyloxy-lower alkyl, phenyl, hydroxy, lower alkoxy, hydroxy-lower alkoxy, lower alkoxy lower alkoxy, phenyl-lower alkoxy, lower alkylcarbonyloxy, amino, monoalkylamino, dialkylamino, lower alkoxycarbonylamino, lower alkylcarbonylamino, substituted amino wherein the two substituents on nitrogen form together with the nitrogen a heterocyclyl, lower alkylcarbonyl, carboxy, lower alkoxycarbonyl, formyl, cyano, halogen, and nitro; and wherein two adjacent substituents are methylenedioxy; and wherein pyridinyl is optionally substituted by lower alkoxy, amino or halogen;

X is -C= Y and Y is nitrogen substituted by a<u>n</u> alkoxy;

R^1 represents hydrogen, lower alkylcarbonyl, hydroxy-lower alkyl or cyano-lower alkyl;

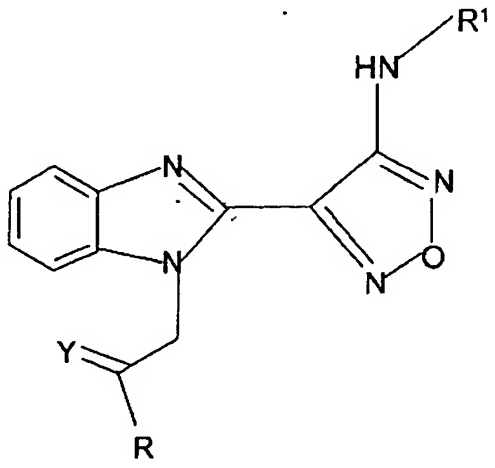
R^2, R^3 and R^6 represent hydrogen;
R^4 and R^5, independently of each other, represent hydrogen, lower alkyl or lower alkoxy; or R^4 and R^5 together represent methylenedioxy; or
pharmaceutically acceptable salts thereof.

38. (Previously Amended) The compound of claim 37, which compound is selected from the group consisting of the compounds 18 and 22, which compounds are set forth according to the following table:

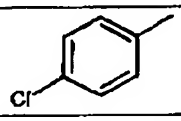
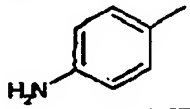
Compound	R	R^1
18		H
22		H

or their pharmaceutically acceptable salts.

39. (Currently Amended) A compound selected from the group consisting of the Compounds 9 and 13, which compounds **are as represented by the following formula and** are set forth according to the following table:



wherein Y is oxygen

Compound	R	R^1
9		$CH_2CH_2(CO)OCH_3$
13		$CH_2CH_2(CO)OH$

or their pharmaceutically acceptable salts.

REMARKS

The foregoing amendments are made in response to the Notice of Allowability mailed February 14, 2008 with accompanying Examiner's Amendment. The Issue Fee for this application has not been paid as of the filing of this Amendment. Claims 23-39 remain in this application. The Claims as presented above reflect the Examiner's Amendment which included the addition of Claim 39. The foregoing amendments reflect the correction of inadvertencies in Claims 32 and 34 and a clarification in Claim 39. In each of Claims 32 and 34, "methyl" has been inserted into the expression "(-6-amino-3-pyridylcarbonyl)-" so that it reads "(-6-amino-3-pyridylcarbonylmethyl)-". It is clear that methyl was inadvertently omitted in the naming of the compounds claimed in view of the structural formula in Claim 23 wherein there is a methylene link between the "X" and the benzamidazol group. Claim 32 is further amended to correct a typographical error in that "-furazan-2-yl-" is corrected to read "-furazan-3-yl-". Again, it is clear from the structural formula in Claim 23 that the furazanyl group is substituted in the 3 position and not the 2-position. Finally, Claim 39 is amended to recite that the claimed compounds are as represented by the structural formula. These amendment do not introduce any new matter into the claims. Accordingly, it is respectfully requested that the foregoing amendments and these remarks be made of record in the above-identified patent application.

This Substitute Amendment is being filed because it has been discovered that, in four instances, amendments made by Examiner's Amendment were inadvertently omitted from the claims as presented above. These changes in the claims are not represented above as amendments because the claims were already amended in those instances, hence to represent them as amendments above would not be correct as, technically, they are not within the amendments presented under 37 C.F.R. § 1.312 herein. It is respectfully requested that the claims as presented above be considered in regard to the Amendments under 37 C.F.R. § 1.312. The changes made above inadvertently omitted from the Amendment previously filed are as follows:

AUG 14 2008

Claim 23, line 10, "nitrogen heterocyclyl" is replaced with "nitrogen a heterocyclyl".

Claim 27, line 3, "64" is replaced with "64, 65".

Claim 28, line 1, "phenyl" is replaced with "optionally substituted phenyl".

Claim 37, line 10, "nitrogen heterocyclyl" is replaced with "nitrogen a heterocyclyl".

No fees are believed to be necessitated by the foregoing amendment. However, should this be in error, authorization is hereby given to charge Deposit Account No. 03-3839 for any underpayment, or to credit any overpayments thereto.

Telephone calls should be addressed to R. Hain Swope, Reg. No. 24,864, at (973) 596-4905 and fax communications should be sent directly to him at (973) 639-6357.

Respectfully submitted,

Gibbons P.C.

By /RHSwope/
R. Hain Swope - Reg. No. 24,864
Tel. No. (973) 564-4905
Fax No. (973) 639-6357

Date: April 15 , 2008

Please address all correspondence regarding this application to **Customer No. 26345.**

Intellectual Property Docket Administrator
Gibbons P.C.
One Gateway Center,
Newark, New Jersey 07102-5310

PATENT
104610-55275 (22009)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of: Eberle et al.			: Art Unit	: 1626
Serial No.	:	10/557,539	: Examiner	: L. Stockton
Filed	:	November 21, 2005		
Title	:	Furazanobenzimidazoles		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT under 37 C.F.R. § 1.312

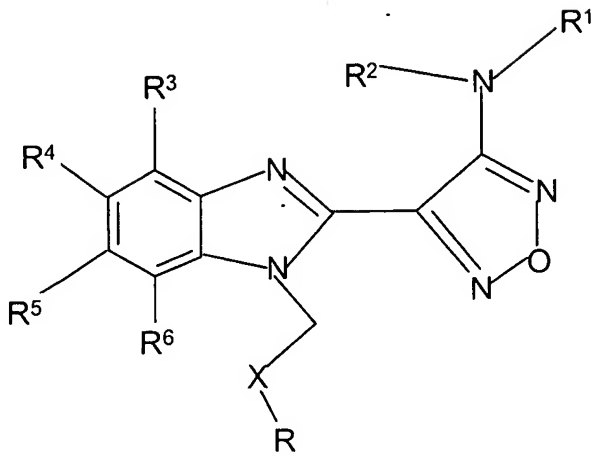
Dear Sir:

In response to the Notice of Allowability mailed February 14, 2008 and in accordance with 37 C.F.R. §1.312, please amend the above-identified application as follows. The listing of the Claims begins on page 2 and the Remarks begin on page 15:

LISTING OF CLAIMS:

Claims 1-22 Canceled.

23. (Previously Amended) A compound of the formula



(I)

wherein

R represents phenyl, naphthyl, thienyl, pyridinyl or pyridazinyl ring,

said phenyl ring being optionally substituted by one or two substituents independently selected from alkyl, halo-lower alkyl, hydroxy-lower alkyl, lower alkoxy-lower alkyl, acyloxy-lower alkyl, phenyl, hydroxy, lower alkoxy, hydroxy-lower alkoxy, lower alkoxy lower alkoxy, phenyl-lower alkoxy, lower alkylcarbonyloxy, amino, monoalkylamino, dialkylamino, lower alkoxycarbonylamino, lower alkycarbonylamino, substituted amino wherein the two substituents on nitrogen form together with the nitrogen heterocyclcyl, lower alkylcarbonyl, formyl, carboxy, lower alkoxycarbonyl, cyano, halogen, and nitro; and wherein two adjacent substituents are methylenedioxy;

and said pyridinyl or pyridazinyl being optionally substituted in one or two positions with lower alkoxy, amino, or halogen;

X is –O- or >C=Y, wherein Y is oxygen;

R^1 represents hydrogen, hydroxy-lower alkyl, cyano-lower alkyl, **or** lower alkyl-carbonyl; and

R^2, R^3, R^4, R^5 and R^6 is hydrogen;

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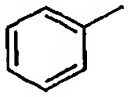
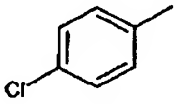
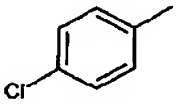
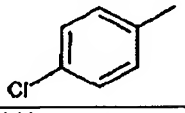
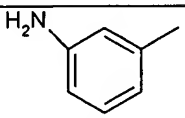
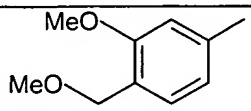
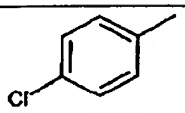
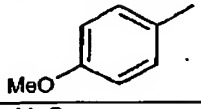
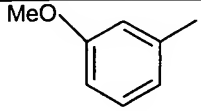
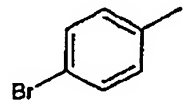
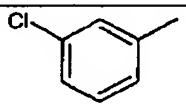
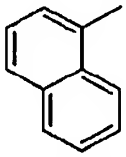
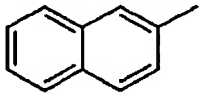
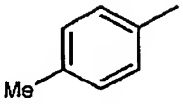
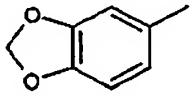
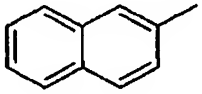
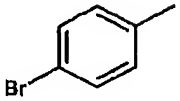
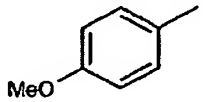
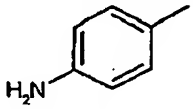
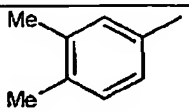
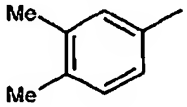
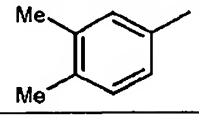
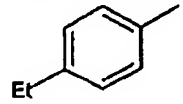
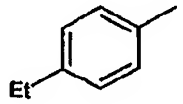
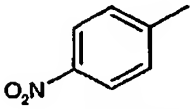
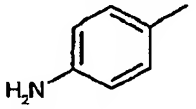
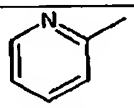
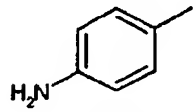
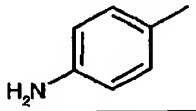
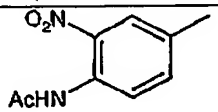
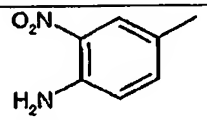
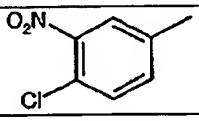
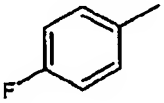
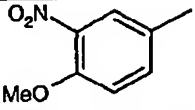
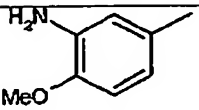
or a pharmaceutically acceptable salt thereof.

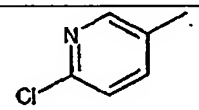
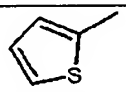
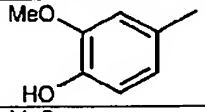
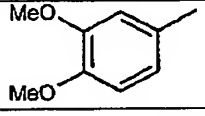
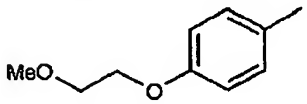
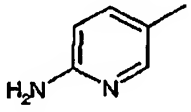
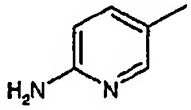
24. (Previously Amended) The compound of claim 23 where X is >C=Y, wherein Y is oxygen, or it's pharmaceutically acceptable salts.

25. (Previously Amended) The compound of claim 24, which compounds are selected from the group consisting of the compounds 1, 5, 6, 11, 14, 15, 16, 19, 23, 29, 35, 41, 42, 44, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 64, 65, 66, 67, 68, 69, 70, 72, 74, 76, 77, 78 and 79, which compounds are set forth according to the following table:

Compound	R	R^1
1		H
5		$(CO)CH_3$
6		CH_2CH_2CN
11		$CH_2CH_2CH_2OH$
14		H
15		H
16		H
19		H
23		H

29		H
35		H
41		H
42		H
44		H
45		H
46		CH_2CH_2CN
47		CH_2CH_2CN
48		CH_2CH_2CN
50		H
52		$CH_2CH_2CH_2OH$
53		H

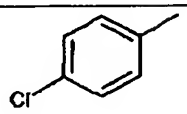
54		CH_2CH_2CN
55		H
56		CH_2CH_2CN
57		CH_2CH_2CN
58		CH_2CH_2CN
59		H
61		CH2CH2CN
62		H
64		H
65		H
66		H
67		H
68		H
69		CH_2CH_2CN

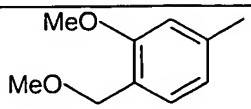
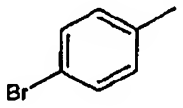
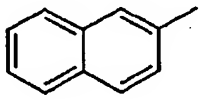
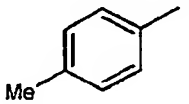
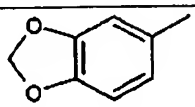
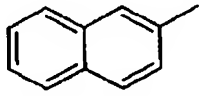
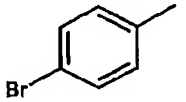
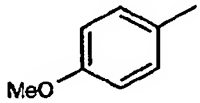
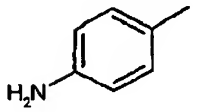
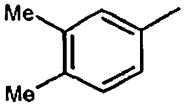
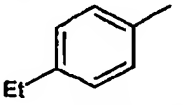
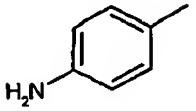
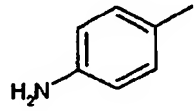
70		H
72		H
74		H
76		H
77		H
78		H
79		CH_2CH_2CN

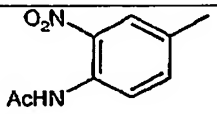
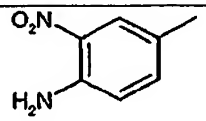
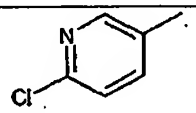
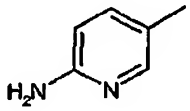
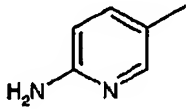
or their pharmaceutically acceptable salts.

26. (Previously Submitted) The compound of claim 24 wherein R^1 represents hydrogen or cyano-lower alkyl.

27. (Previously Amended) The compound of claim 26 wherein the compounds are selected from the group consisting of the compounds 6, 15, 29, 42, 44, 45, 46, 47, 48, 50, 54, 56, 58, 61, 64, 70, 78 and 79, which compounds are set forth according to the following table:

Compound	R	R^1
6		CH_2CH_2CN

15		H
29		H
42		H
44		H
45		H
46		CH_2CH_2CN
47		CH_2CH_2CN
48		CH_2CH_2CN
50		H
54		CH_2CH_2CN
56		CH_2CH_2CN
58		CH_2CH_2CN
61		CH2CH2CN

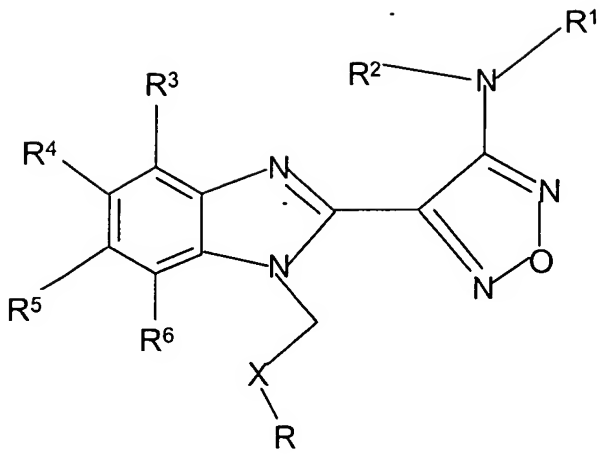
64		H
65		H
70		H
78		H
79		CH_2CH_2CN

or their pharmaceutically acceptable salts.

28. (Previously Submitted) The compound of claim 24, wherein R is phenyl.

29. (Previously Submitted) The compound of Claim 28 wherein said compound is 4-[1-(4-aminophenacyl)-1H-benzimidazol-2-yl]-furazan-3-yl-N-(2-cyanoethyl)-amine or pharmaceutically acceptable salts thereof.

30. (Previously Submitted) The compound of claim 26 where the compound has the formula



(I)

wherein

R is pyridinyl optionally substituted in one or two positions by lower alkoxy, amino, or halogen;

X is -C=Y; Y is oxygen ;

R^1 is cyano-lower alkyl or hydrogen and;

R^2, R^3, R^4, R^5, R^6 is hydrogen;

or a pharmaceutically acceptable salt thereof.

31. (Previously Submitted) The compound of Claim 30 wherein R^1 is cyano-lower alkyl.

32. (Currently Amended) The compound of Claim 31 wherein said compound is 4-[1-(6-amino-3-pyridylcarbonyl**methyl**)-1H-benzimidazol-2-yl]-furazan-~~2~~**3**-yl]-N-(2-cyanoethyl)-amine or its pharmaceutical acceptable salts.

33. (Previously Submitted) The compound of Claim 30 wherein R^1 is hydrogen.

34. (Currently Amended) The compound of Claim 33 wherein said compound is 4-[1-(6-amino-3-pyridylcarbonyl**methyl**)-1H-benzimidazol-2-yl]-furazan-3-ylamine; or pharmaceutical acceptable salts thereof.

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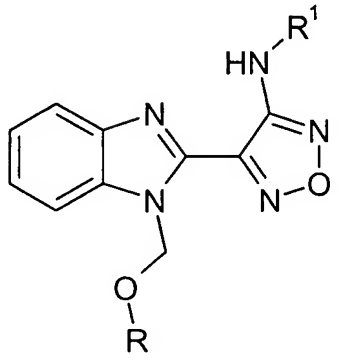
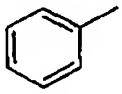
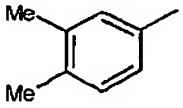
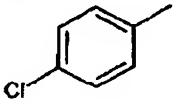
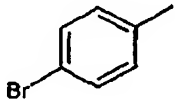
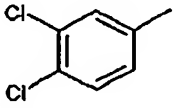
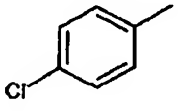
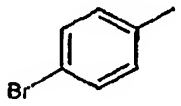
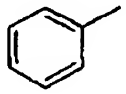
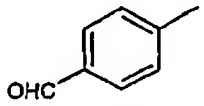
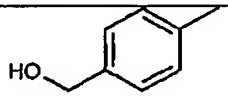
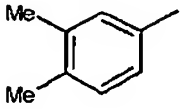
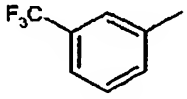
35. (Previously Amended) The compound of claim 28 where said compound has the formula



(IB)

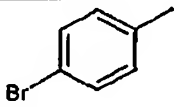
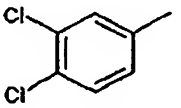
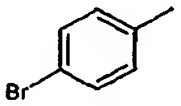
which compound is selected from the group consisting of the compounds 7, 10, 88, 89, 92, 93, 94, 95, 96, 97, 101 and 103, which compounds are set forth according to the following table:

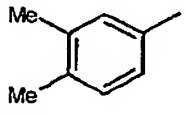
Compound	R	R^1
7		H
10		CH_2CH_2CN
88		H
89		H
92		H
93		CH_2CH_2CN

94		CH_2CH_2CN
95		CH_2CH_2CN
96		H
97		H
101		H
103		H

or pharmaceutically acceptable salts thereof.

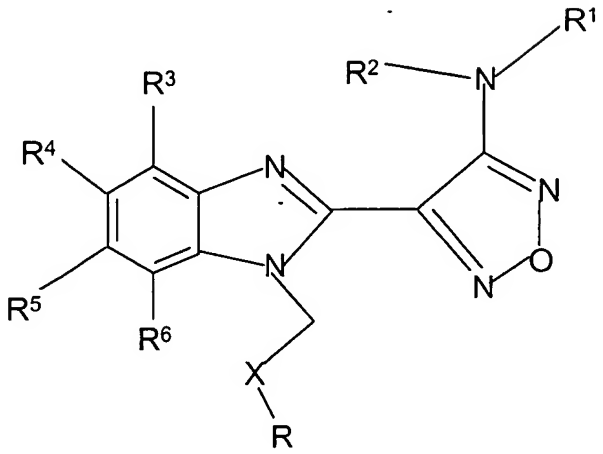
36. (Previously Amended) The compound of claim 35, which compound is selected from the group consisting of the compounds 89, 92, 94 and 101, which compound are set forth according to the following table:

Compound	R	R^1
89		H
92		H
94		CH_2CH_2CN

101		H

or their pharmaceutically acceptable salts.

37. (Previously Amended) A compound of the formula (I)



wherein

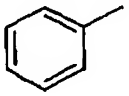
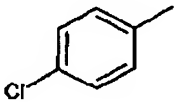
R represents phenyl or pyridinyl wherein phenyl is optionally substituted by one or two substituents independently selected from alkyl, halo-lower alkyl, hydroxy-lower alkyl, lower alkoxy-lower alkyl, acyloxy-lower alkyl, phenyl, hydroxy, lower alkoxy, hydroxy-lower alkoxy, lower alkoxy lower alkoxy, phenyl-lower alkoxy, lower alkylcarbonyloxy, amino, monoalkylamino, dialkylamino, lower alkoxycarbonylamino, lower alkylcarbonylamino, substituted amino wherein the two substituents on nitrogen form together with the nitrogen heterocyclyl, lower alkylcarbonyl, carboxy, lower alkoxycarbonyl, formyl, cyano, halogen, and nitro; and wherein two adjacent substituents are methylenedioxy; and wherein pyridinyl is optionally substituted by lower alkoxy, amino or halogen;

X is -C= Y and Y is nitrogen substituted by an alkoxy;

R^1 represents hydrogen, lower alkylcarbonyl, hydroxy-lower alkyl or cyano-lower alkyl;

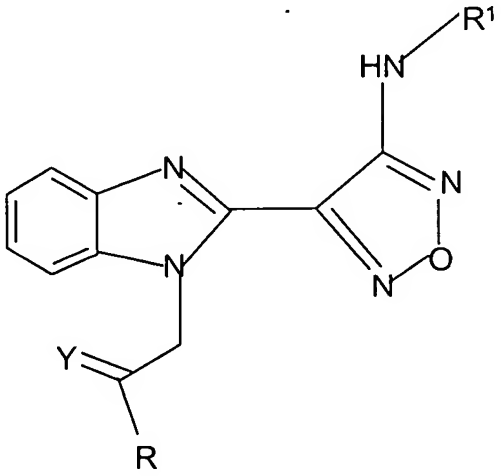
R^2, R^3 and R^6 represent hydrogen;
R^4 and R^5, independently of each other, represent hydrogen, lower alkyl or lower alkoxy; or R^4 and R^5 together represent methylenedioxy; or
pharmaceutically acceptable salts thereof.

38. (Previously Amended) The compound of claim 37, which compound is selected from the group consisting of the compounds 18 and 22, which compounds are set forth according to the following table:

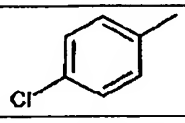
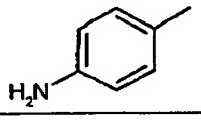
Compound	R	R^1
18		H
22		H

or their pharmaceutically acceptable salts.

39. (Currently Amended) A compound selected from the group consisting of the Compounds 9 and 13, which compounds **are as represented by the following formula and** are set forth according to the following table:



wherein Y is oxygen

Compound	R	R^1
9		$CH_2CH_2(CO)OCH_3$
13		$CH_2CH_2(CO)OH$

or their pharmaceutically acceptable salts.

REMARKS

The foregoing amendments are made in response to the Notice of Allowability mailed February 14, 2008 with accompanying Examiner's Amendment. The Issue Fee for this application has not been paid as of the filing of this Amendment. Claims 23-39 remain in this application. The Claims as presented above reflect the Examiner's Amendment which included the addition of Claim 39. The foregoing amendments reflect the correction of inadvertencies in Claims 32 and 34 and a clarification in Claim 39. In each of Claims 32 and 34, "methyl" has been inserted into the expression "(-6-amino-3-pyridylcarbonyl)-" so that it reads "(-6-amino-3-pyridylcarbonylmethyl)-". It is clear that methyl was inadvertently omitted in the naming of the compounds claimed in view of the structural formula in Claim 23 wherein there is a methylene link between the "X" and the benzamidazol group. Claim 32 is further amended to correct a typographical error in that "-furazan-2-yl-" is corrected to read "-furazan-3-yl-". Again, it is clear from the structural formula in Claim 23 that the furazanyl group is substituted in the 3 position and not the 2-position. Finally, Claim 39 is amended to recite that the claimed compounds are as represented by the structural formula. These amendment do not introduce any new matter into the claims. Accordingly, it is respectfully requested that the foregoing amendments and these remarks be made of record in the above-identified patent application.

No fees are believed to be necessitated by the foregoing amendment. However, should this be in error, authorization is hereby given to charge Deposit Account No. 03-3839 for any underpayment, or to credit any overpayments thereto.

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Respectfully submitted,

Gibbons P.C.

By _____
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Date: April 10 , 2008

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